

AGENDA

SPECIAL MEETING BOARD OF MAYOR AND ALDERMEN (PUBLIC HEARING/POLE LICENSE AGREEMENTS)

March 30, 2005

**6:00 PM
Aldermanic Chambers
City Hall (3rd Floor)**

1. Mayor Baines calls the meeting to order.
2. Mayor Baines calls for the Pledge of Allegiance.

A moment of silent prayer is observed.
3. The Clerk calls the roll.
4. Mayor Baines advises that the purpose of the special meeting is to hear those wishing to speak in favor of or in opposition to the City's Board of Assessor's request that all existing pole license agreements be amended; that the Clerk will present the proposed changes for discussion at which time those wishing to speak in favor will be heard, followed by those wishing to speak in opposition; that anyone wishing to speak must first step to the nearest microphone when recognized and recite his/her name and address in a clear, loud voice for the record, that each person will be given only one opportunity to speak; and any questions must be directed to the Chair.

5. The Clerk presents the proposed changes:

“In accordance with the requirements of RSA 72:23, I(b), the licensee(s) and any other entity now or hereafter using or occupying municipal property pursuant to this license shall be responsible for the payment of, and shall pay, all properly assessed personal and real property taxes no later than the due date. Failure to pay duly assessed personal and real property taxes when due shall be cause to provide a written notice to said licensee to show cause by a date certain specified in the notice as to why this license should not be terminated for nonpayment of the sums due.

The changes to the within license set forth in the preceding paragraph shall take effect April 1, 2005, and shall remain in effect until changed in accordance with the requirements of RSA 231:163.”

6. Mayor Baines requests that Steve Tellier, Chairman of the Board of Assessors, make a presentation.
7. Mayor Baines calls for those wishing to speak in favor.
8. Mayor Baines calls for those wishing to speak in opposition.
9. Mayor Baines advises that all wishing to speak having been heard, a motion would be in order to take all comments under advisement and further to receive and file any written documentation presented.
10. Mayor Baines advises that this being a special meeting of the Board, no further business shall be presented and a motion to adjourn would be in order.



CITY OF MANCHESTER Board of Assessors

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Steven G. Tellier, Chairman
Thomas C. Nichols
Stephan W. Hamilton

Christine Hanagan
Assistant to Assessors

MEMORANDUM

To: Board of Mayor and Alderman
From: Board of Assessors *SWH*
Date: March 8, 2005
RE: Petition for the Amendment of Pole License Agreements

The Board of Assessors has recently become aware that the current Pole License Agreements granted to Verizon New England, Inc., and others, do not address the payment of properly assessed real estate taxes as defined in RSA 72:23 I (b).

There has been a working group of several community representatives statewide that have been exploring the issue of Pole License Agreements. These discussions have included municipal use of portions of the licensed poles and conduits, as well as the issue of taxation of the portion of the right-of-way demised in the licenses. Time is of the essence in providing for the taxability of the land appertaining to the license location, as changes must be made prior to the April 1, 2005 tax date.

Therefore, the Assessors, in the attached Petition, request that all existing license agreements be amended to include the following language:

“In accordance with the requirements of RSA 72:23, I (b), the licensee(s) and any other entity now or hereafter using or occupying municipal property pursuant to this license shall be responsible for the payment of, and shall pay, all properly assessed personal and real property taxes no later than the due date. Failure to pay duly assessed personal and real property taxes when due shall be cause to provide a written notice to said licensee to show cause by a date certain specified in the notice as to why this license should not be terminated for nonpayment of the sums due.

The changes to the within license set forth in the preceding paragraph shall take effect April 1, 2005, and shall remain in effect until changed in accordance with the requirements of RSA 231:163.”

Pursuant to RSA 231:163, a Public Hearing is required for the above requested change. The Assessors believe that if the amending language is adopted prior to April 1, 2005, the property will be taxable for this tax year.

**PETITION PURSUANT TO RSA 231:163 FOR CHANGES IN POLE LICENSES
ISSUED UNDER THE AUTHORITY OF THE BOARD OF MAYOR AND
ALDERMAN, CITY OF MANCHESTER, NEW HAMPSHIRE**

March 8, 2005

**TO THE HONORABLE BOARD OF MAYOR AND ALDERMAN
MANCHESTER, NEW HAMPSHIRE**

The undersigned, in their capacity as the duly appointed and sworn Board of Assessors, City of Manchester, New Hampshire, being persons whose rights and/or interests in such capacity are affected by all existing and outstanding licenses issued by or under the authority of the Board of Mayor and Alderman or by their predecessors in office pursuant to RSA 231:161, hereby petition the Board of Mayor and Alderman to:

1. Amend the terms of each existing license to conform its language to include the following:

“In accordance with the requirements of RSA 72:23, I (b), the licensee(s) and any other entity now or hereafter using or occupying municipal property pursuant to this license shall be responsible for the payment of, and shall pay, all properly assessed personal and real property taxes no later than the due date. Failure to pay duly assessed personal and real property taxes when due shall be cause to provide a written notice to said licensee to show cause by a date certain specified in the notice as to why this license should not be terminated for nonpayment of the sums due.

The changes to the within license set forth in the preceding paragraph shall take effect April 1, 2005, and shall remain in effect until changed in accordance with the requirements of RSA 231:163.”

And order that such amended language shall remain in effect until changed in accordance with the requirements of RSA 231:163.

2. In furtherance of this request, and pursuant to RSA 231:163, commence a proceeding and set a time, date and place for a hearing at which interested parties may be heard on the petition.
3. Issue an order of notice to interested parties to appear on the date set for hearing and provide such evidence as they may have upon the matter, such order of notice to be served as follows at least 14 days prior to the date set for hearing:
 - A. Upon the holders of all presently issued and outstanding licenses, by certified mail addressed to their last known address appearing upon the records of this municipality;

B. Upon the State of New Hampshire, by certified mail addressed to:


1. The Office of the Attorney General;
2. The Public Utilities Commission; and,
3. The Department of Transportation.

C. Upon the public by posting in two public places in the community, and by publication in a newspaper of general circulation in the municipality.

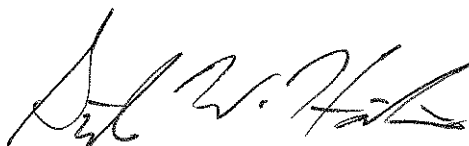
4. Following such notice and opportunity to be heard, issue a written order amending the terms of such licenses as requested, such order to be recorded in the written records of the Clerk of the City of Manchester, New Hampshire, and for such other and further relief as may be just.



Steven G. Tellier, Chairman



Thomas C. Nichols, Assessor



Stephan W. Hamilton, Assessor